

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**MISSISSIPPI STATE CONFERENCE OF THE
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE;
DR. ANDREA WESLEY; DR. JOSEPH
WESLEY; ROBERT EVANS; GARY
FREDERICKS; PAMELA HAMNER;
BARBARA FINN; OTHO BARNES;
SHIRLINDA ROBERTSON; SANDRA SMITH;
DEBORAH HULITT; RODESTA TUMBLIN;
DR. KIA JONES; ANGELA GRAYSON; MARCELEAN
ARRINGTON; VICTORIA ROBERTSON,** **PLAINTIFFS**

VS. CIVIL ACTION NO. 3:22-cv-734-DPJ-HSO-LHS

**STATE BOARD OF ELECTION
COMMISSIONERS; TATE REEVES, *in his
official capacity as Governor of Mississippi;*
LYNN FITCH, *in her official capacity as
Attorney General of Mississippi;* MICHAEL
WATSON, *in his official capacity as Secretary
of State of Mississippi,*** **DEFENDANTS**

AND

**MISSISSIPPI REPUBLICAN
EXECUTIVE COMMITTEE** **INTERVENOR-DEFENDANT**

**DEFENDANTS' MOTION TO COMPEL
DOCUMENTS WITHHELD FROM PRODUCTION**

Defendants State Board of Election Commissioners, Governor Tate Reeves, Attorney General Lynn Fitch, and Secretary of State Michael Watson (collectively, “Defendants”) respectfully move this Court for an order compelling Plaintiffs to produce documents withheld from production on the grounds of the First Amendment Associational privilege. In support of this motion, the Defendants would show as follows:

1. Certain of the Plaintiffs, including the NAACP and five of the individual Plaintiffs, have withheld otherwise discoverable documents on the grounds that they are protected under the First Amendment Associational privilege.

2. Plaintiffs advance an overbroad application of this privilege such that, if accepted, shields litigants from otherwise reasonable and necessary discovery requests.

3. This is not the purpose underpinning the First Amendment Associational privilege. Because these documents are not protected under this privilege, this Court should enter an order compelling the Plaintiffs to produce those documents.

4. Defendants incorporate in further support of this Motion their accompanying Memorandum of Authorities and the following exhibits:

Exhibit A: Defendants' Amended First Set of Interrogatories to Plaintiffs;

Exhibit B: Defendants' Amended First Set of Requests for Production of Documents to Plaintiffs;

Exhibit C: 10/3/23 E-mail from J. Tom to Ryan Beckett and attached privilege logs; and

Exhibit D: 11/2/23 E-mail thread between counsel.

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully request the Court grant this Motion and enter an order compelling Plaintiffs to produce documents withheld from production on the grounds of the First Amendment Associational privilege. Defendants further request all such other, further and additional relief as to which they may be entitled.

THIS the 10th day of November, 2023.

Respectfully submitted,

STATE BOARD OF ELECTION
COMMISSIONERS; TATE REEVES, IN HIS
OFFICIAL CAPACITY AS GOVERNOR OF
MISSISSIPPI; LYNN FITCH, IN HER OFFICIAL
CAPACITY AS ATTORNEY GENERAL OF
MISSISSIPPI; MICHAEL WATSON, IN HIS
OFFICIAL CAPACITY AS SECRETARY OF
STATE, DEFENDANTS

By: /s/ P. Ryan Beckett
P. Ryan Beckett (MB #99524)

ONE OF THEIR COUNSEL

OF COUNSEL:

Tommie S. Cardin (MB #5863)

P. Ryan Beckett (MB #99524)

B. Parker Berry (MB #104251)

BUTLER SNOW LLP

1020 Highland Colony Parkway, Suite 1400

Ridgeland, MS 39157

P.O. Box 6010, Ridgeland, MS 39158-6010

Phone: 601.948.5711

Fax: 601.985.4500

tommie.cardin@butlersnow.com

ryan.beckett@butlersnow.com

parker.berry@butlersnow.com

Rex M. Shannon III (MB #102974)

STATE OF MISSISSIPPI

OFFICE OF THE ATTORNEY GENERAL

CIVIL LITIGATION DIVISION

Post Office Box 220

Jackson, Mississippi 39205-0220

Tel.: (601) 359-4184

Fax: (601) 359-2003

rex.shannon@ago.ms.gov

CERTIFICATE OF SERVICE

I, P. Ryan Beckett, one of the attorneys for the Defendants, do hereby certify that I have this day filed the above and foregoing document with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record.

This the 10th day of November, 2023.

/s/ P. Ryan Beckett

P. Ryan Beckett

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